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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,196	09/08/2003	Kazuyuki Fujiwara	010482.52753US	7487
23911 7590 05/21/2007 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER WENDMAGEGN, GIRUMSEW	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 05/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/656,196	FUJIWARA, KAZUYUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Girumsew Wendmagegn	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/9/2004; 10/23/3004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-2, 4-7 and 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Sung et al (patent number US 5,594,660).

Regarding claim 1, Sung anticipates an optical disc apparatus using a decoder chip with no synchronization function of audio data and visual data comprising: an optical pickup device for reading video data from an optical disc (see column 3 line 55-64 and figure 6); a separator for separating visual data and audio data from the video data (see figure 2 element 210); a visual data decoder for decoding the separated visual data (see figure 2 video decoder); an audio data decoder for decoding the separated audio data (see figure 2 audio decoder); a time information extractor independently for extracting time information of visual data from the video data and for extracting time information of audio data from the audio data (see figure 2 element 210); a lip sync judge for comparing the time information of the visual data with the time information of the audio data at a moment and judges whether reproduction of the audio data goes ahead of reproduction of the visual data by a period equal to or larger than a first predetermined period or not (see figure 4A element 414); and a lip sync compensator for

compensating lip sync between the audio data and the visual data by shortening reproducing period of a predetermined picture included in the decoded visual data which is reproduced at the moment when the reproduction of the audio data goes ahead of the reproduction of the visual data by the period equal to or larger than the first predetermined period (see column24 line 1-17).

Regarding claim2, Sung anticipates the optical disc apparatus in accordance with claim1, wherein the predetermined picture is a picture included in each VOB (Video Object Unit), which is constituted, by a combination of visual data of a plurality of pictures (see column7 line 60-65, MPEG standard).

Regarding claim4, Sung anticipates the optical disc apparatus in accordance with claim1, wherein the lip sync judger further judges whether leading of the audio data with respect to the visual data is equal to or smaller than a second predetermined period or not (see column11 line8-10); and the lip sync compensator stops the compensation of the lip sync between the audio data and the visual data when the leading of the audio data with respect to the visual data is equal to or smaller than the second predetermined period ( see column11 line8-13).

Regarding claim5, Sung anticipates the optical disc apparatus in accordance with claim 1, wherein the first predetermined period is 100 ms (see column10 line 54-56 1frame take 33 ms and 3 takes 100ms).

Regarding claim6, Sung anticipates the optical disc apparatus in accordance with claim 4, wherein the second predetermined period is 30 ms (see column11 line8-13 1frame takes 33 ms).

Regarding claim7, Sung anticipates the optical disc apparatus in accordance with claim1, wherein a normal reproducing period with no lip sync compensation is about 30 ms and the lip sync compensator shortens the reproducing period of the predetermined picture included in the decoded visual data to be 20 ms (column8 line 15-21).

Regarding claim9, Sung anticipates the optical disc apparatus in accordance with claim1, wherein when the visual data goes ahead of the audio data, or when audio data goes ahead of the visual data but leading of the audio data with respect to the visual data is equal to or smaller than a second predetermined period, the lip sync compensator does not compensate the lip sync between the audio data and the visual data (see column11 line8-13).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 3, 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sung et al (patent number US 5,594,660).

Regarding claim 3, see the teaching of Sung above. Sung does not teach the predetermined picture is a first picture or a last picture in each VOB. However, it is well known in the art at the time the invention was made to use first picture in VOB to synchronize audio video. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to use first picture (I-picture in MPEG standard) from each VOB in Sung system because it would make the effect of higher reproduction speed less noticeable.

Regarding claim 8, see the teaching of Sung above. Sung does not teach the audio data are decoded in compliance with MP3 standard. However it is old and well known in the art to decode audio data in compliance with MP3 standard. Therefore Official Notice is taken.


One of ordinary skill in the art at the time the invention was made would have been motivated to decode audio data in compliance with MP3 standard in to Sung system because it would take less space on recording medium.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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Girumsew Wendmagegn